

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0193.02 Jery Payne

HOUSE BILL 10-1019

HOUSE SPONSORSHIP

Frangas, Fischer, McFadyen, Merrifield, Primavera, Tyler

SENATE SPONSORSHIP

Williams, Gibbs, Romer

House Committees

Transportation & Energy
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PARKING PRIVILEGES FOR PEOPLE WITH DISABILITIES,**
102 **AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Section 1 of the bill changes the laws governing enforcement of the reserved parking program for the disabled in the following ways:

- ! Authorizes a peace officer to confiscate a placard that is being misused;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 11, 2010

SENATE
Amended 2nd Reading
May 10, 2010

HOUSE
3rd Reading Unamended
April 26, 2010

HOUSE
Amended 2nd Reading
April 23, 2010

- ! Prohibits creating a device that mimics a placard;
- ! Prohibits retaliation against an employee for notifying the authorities of a violation of a possible reserved parking violation;
- ! Authorizes a peace officer or property owner to remove a vehicle that is violating the reserved parking provisions;
- ! Prohibits moving a vehicle to avoid time limits on reserved parking spaces;
- ! Prohibits using reserved parking for commercial purposes unrelated to transacting business with the person the space is intended to serve.

In the use of a parking space such as a parking lot or parking meter, **section 2** prohibits taking adverse action against a person with a disability if the method of payment is not reasonably accessible.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 2 of article 1 of title 42, Colorado Revised
 3 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
 4 SECTIONS to read:

5 **42-1-224. Disabled parking education and enforcement fund**
 6 **- created.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE
 7 DISABLED PARKING EDUCATION AND ENFORCEMENT FUND, WHICH
 8 CONSISTS OF MONEYS COLLECTED PURSUANT TO THIS SECTION AND
 9 SECTION 42-4-1208 (6) AND (7). THE GENERAL ASSEMBLY SHALL
 10 APPROPRIATE THE MONEYS IN THE FUND FOR THE PURPOSES SPECIFIED IN
 11 SECTIONS 42-1-225, 42-3-204, AND 42-4-1208. UNEXPENDED AND
 12 UNENCUMBERED MONEYS IN THE FUND AT THE END OF A FISCAL YEAR
 13 SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
 14 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. THE
 15 DEPARTMENT MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE
 16 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE
 17 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS

1 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
2 THE MONEYS TO THE FUND.

3 **42-1-225. Disabled parking education program.** (1) SUBJECT
4 TO THE AVAILABILITY OF FUNDS APPROPRIATED UNDER SECTION 42-1-224,
5 THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES,
6 CREATED IN SECTION 24-45.5-103, C.R.S.:

7 (a) MAY MAKE GRANTS OR DEVELOP OR DELIVER EDUCATION
8 PROGRAMS FOR THE PURPOSE OF PROVIDING PEACE OFFICERS, LOCAL
9 GOVERNMENTS, MEDICAL PROVIDERS, DRIVERS, AND PERSONS WITH
10 DISABILITIES WITH EDUCATION CONCERNING ELIGIBILITY STANDARDS FOR
11 PARKING PRIVILEGES AVAILABLE TO A PERSON WITH A DISABILITY
12 AFFECTING MOBILITY, APPROPRIATE USE OF THE PARKING PRIVILEGES, THE
13 LEGAL STANDARDS AND VIOLATIONS CONTAINED IN SECTIONS 42-3-204
14 AND 42-4-1208, AND THE ADVANTAGES OF CREATING A VOLUNTEER
15 ENFORCEMENT PROGRAM; AND

16 (b) SHALL CREATE OR MAKE AVAILABLE A TRAINING PROGRAM TO
17 ASSIST PROFESSIONALS IN UNDERSTANDING THE STANDARDS THAT NEED
18 TO BE MET TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

19 **SECTION 2.** 42-3-204, Colorado Revised Statutes, is amended
20 to read:

21 **42-3-204. Parking privileges for persons with disabilities -**
22 **applicability - rules - repeal.** (1) As used in this section:

23 (a) ~~"License plate or placard" means any license plate or placard~~
24 ~~issued pursuant to subsection (2) of this section "DISABILITY" OR~~
25 ~~"DISABLED" MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS~~
26 ~~OF 23 CFR 1235, WHICH IMPAIRMENT IS VERIFIED, IN WRITING, BY A~~
27 ~~PROFESSIONAL. TO BE VALID, THE VERIFYING PROFESSIONAL SHALL~~

1 CERTIFY TO THE DEPARTMENT THAT THE PERSON MEETS THE STANDARDS
2 ON FORMS PUBLISHED BY THE DEPARTMENT.

3 (b) ~~"Person with a disability" means either of the following:~~
4 ~~"EXTENDED" MEANS A CONDITION THAT IS NOT EXPECTED TO CHANGE~~
5 ~~WITHIN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING FIGURE,~~
6 ~~GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.~~

7 ~~(I) A person so severely impaired that such person is unable to~~
8 ~~move from place to place without the aid of a mechanical device; or~~

9 ~~(II) A person who has a physical impairment that substantially~~
10 ~~limits the person's ability to move from place to place, which impairment~~
11 ~~is verified, in writing, by a physician licensed to practice medicine or~~
12 ~~practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a~~
13 ~~podiatrist licensed under article 32 of title 12, C.R.S., or an advanced~~
14 ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S. To be~~
15 ~~valid, such verification by the director, physician, podiatrist, or advanced~~
16 ~~practice nurse shall certify to the department of revenue that the person~~
17 ~~meets the standards established by the executive director of the~~
18 ~~department of revenue.~~

19 (c) ~~"IDENTIFYING FIGURE" MEANS A FIGURE THAT PROVIDES~~
20 ~~NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED PARKING~~
21 ~~SPACE.~~

22 (d) ~~"IDENTIFYING LICENSE PLATE" MEANS A LICENSE PLATE~~
23 ~~BEARING AN IDENTIFYING FIGURE.~~

24 (e) ~~"IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN~~
25 ~~IDENTIFYING FIGURE.~~

26 (f) ~~"PERMANENT" MEANS A CONDITION THAT IS NOT EXPECTED TO~~
27 ~~CHANGE WITHIN A PERSON'S LIFETIME, GIVEN THE CURRENT STATE OF~~

1 MEDICAL OR ADAPTIVE TECHNOLOGY.

2 (g) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE
3 MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3)
4 (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12,
5 C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO
6 SECTION 12-38-111.5, C.R.S.

7 (h) "RESERVED PARKING SPACE" MEANS A PARKING SPACE
8 RESERVED FOR A PERSON WITH A DISABILITY.

9 (2) (a) A person with a disability may apply to the department for:

10 (I) ~~Distinguishing~~ AN IDENTIFYING license plates PLATE to be
11 supplied at the same cost as A standard plates PLATE and to be displayed
12 as provided in section 42-3-202 on a motor vehicle owned by such person
13 or that is owned by a trust created for the benefit of and the name of
14 which includes the name of such person, SUBJECT TO THE FOLLOWING:

15 (A) ~~Any plates issued by the department pursuant to this section~~
16 AN IDENTIFYING LICENSE PLATE shall be renewed once each year in a
17 manner to be determined by the department.

18 (B) The issuance of a ~~special~~ AN IDENTIFYING license plate to a
19 person with a disability ~~pursuant to this subparagraph (F)~~ shall not
20 preclude such person from obtaining an identifying placard. ~~pursuant to~~
21 ~~subparagraph (H) of this paragraph (a).~~

22 (C) The verification requirements of PARAGRAPH (a) OF
23 subsection (1) of this section shall be met once every three years.

24 (II) An identifying placard to be prominently displayed on a motor
25 vehicle used to transport such person, SUBJECT TO THE FOLLOWING:

26 (A) THE DEPARTMENT SHALL NOT ISSUE A PERMANENT OR
27 EXTENDED IDENTIFYING PLACARD UNLESS THE APPLICANT PROVIDES A

1 DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE
2 2 OF THIS TITLE, OR A FEDERALLY ISSUED IDENTIFICATION CARD; EXCEPT
3 THAT A PARENT OR GUARDIAN OF A PERSON WITH A DISABILITY UNDER
4 SIXTEEN YEARS OF AGE MAY PROVIDE THE PARENT'S OR GUARDIAN'S
5 DRIVER'S LICENSE OR IDENTIFICATION CARD IN LIEU OF THE MINOR WITH
6 A DISABILITY, AND A BUSINESS ENTITY THAT TRANSPORTS PEOPLE WITH
7 DISABILITIES FOR HIRE MAY PROVIDE AN EMPLOYEE IDENTIFICATION
8 NUMBER AND SUCH OTHER INFORMATION AS REQUIRED BY THE
9 DEPARTMENT.

10 (B) ~~Any~~ AN IDENTIFYING placard valid for more than ninety days
11 ~~issued by the department pursuant to this section shall have printed on the~~
12 ~~placard a number assigned to the placard that corresponds to identifying~~
13 ~~information of the person or persons with the disability~~ THE LAST FOUR
14 DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER PRINTED ON ITS FACE;
15 EXCEPT THAT A PLACARD ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF
16 AGE MAY BEAR THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER IF
17 THE PARENT OR GUARDIAN PROVIDED THE IDENTIFICATION REQUIRED BY
18 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), AND, IF AN ENTITY
19 THAT TRANSPORTS PEOPLE WITH DISABILITIES FOR HIRE OBTAINS A
20 PLACARD, THE PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY
21 PROVIDING SUCH SERVICE. IF THE PLACARD BEARS THE LAST FOUR DIGITS
22 OF THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER, THE PLACARD
23 SHALL ALSO BEAR THE LETTER "C" AS A DESIGNATOR.

24 (C) Identifying information about the person ~~or persons~~ with the
25 disability shall be strictly confidential and only available to law
26 enforcement or to personnel within the department for official business
27 related to ~~such~~ THE IDENTIFYING placard.

1 (D) ~~Such assigned number~~ WHEN IN USE, THE IDENTIFYING
2 PLACARD'S FACE shall be legible AND VISIBLE to any law enforcement
3 officer or authorized parking enforcement official when viewed from
4 outside the vehicle.

5 (E) A HOLDER OF AN IDENTIFYING placard ~~issued by the~~
6 ~~department pursuant to this section shall be renewed~~ SHALL RENEW THE
7 PLACARD every three years in a manner to be determined by the
8 department, INCLUDING RENEWAL BY MAIL.

9 (F) The HOLDER OF AN IDENTIFYING PLACARD SHALL MEET THE
10 verification requirements of PARAGRAPH (a) OF subsection (1) of this
11 section ~~shall be met~~ each time the placard is renewed.

12 (G) THE DEPARTMENT SHALL PLACE AN EXPIRATION DATE ON AN
13 IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A PORTION
14 OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE DEPARTMENT
15 SHALL AFFIX A VALIDATING STICKER INDICATING THE EXPIRATION DATE TO
16 THE PLACARD.

17 (H) SUB-SUBPARAGRAPH (G) OF THIS SUBPARAGRAPH (II) DOES
18 NOT REQUIRE THE DEPARTMENT TO ISSUE IDENTIFYING PLACARDS IN
19 COMPLIANCE WITH THIS SECTION WHILE IT CONTINUES TO HAVE THE
20 PLACARDS PURCHASED BEFORE JANUARY 1, 2011, IN STOCK. THIS
21 SUB-SUBPARAGRAPH (H) IS REPEALED EFFECTIVE JULY 1, 2011.

22 (III) Disabled veteran special license plates with the identifying
23 ~~feature~~ FIGURE for a person with a physical impairment affecting
24 mobility, so long as the disabled person WITH A DISABILITY meets the
25 eligibility criteria specified in section 42-3-213 (5).

26 (b) ~~Notwithstanding the verification requirements of~~
27 ~~subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (2), if~~

1 a renewal applicant has a permanent disability that was verified in writing
2 by a physician licensed to practice medicine in this state or practicing
3 medicine pursuant to section 12-36-106 (3) (i), C.R.S., or an advanced
4 practice nurse registered pursuant to section 12-38-111.5, C.R.S., and
5 provided to the department with the original application for a license plate
6 or placard under this section, such applicant shall not be required to meet
7 such verification requirement to renew such license plate or placard. If
8 a person renews such license plate or placard of and on behalf of a person
9 with a permanent disability, the person renewing such license plate or
10 placard shall sign an affidavit, under the penalty of perjury, attesting to
11 the fact that the person with a permanent disability is still in need of the
12 license plate or placard and stating that such license plate or placard shall
13 be surrendered to the department upon the death of the person with a
14 permanent disability.

15 (c) ~~Such~~ AN IDENTIFYING license plate or placard shall be issued
16 to ~~such~~ A person upon presentation to the department of a written
17 statement, verified by a ~~physician licensed to practice medicine in this~~
18 ~~state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S.,~~
19 ~~or an advanced practice nurse registered pursuant to section 12-38-111.5,~~
20 ~~C.R.S.~~ PROFESSIONAL, that such person is a person with HAS a disability.
21 The application for ~~such a~~ AN IDENTIFYING license plate or placard shall
22 be sent to the department ~~each year~~ EVERY THREE YEARS; except that a
23 person who has been issued a disabled veteran special license plate shall
24 not send an application to the department every year.

25 (d) (I) ~~Such~~ AN IDENTIFYING license plate or placard may be
26 revoked by the department upon receipt of a sworn statement from a
27 peace officer or an authorized parking enforcement official that the

1 person with a disability has improperly used the privilege defined in
2 section 42-4-1208. THE PEACE OFFICER OR AUTHORIZED PARKING
3 ENFORCEMENT OFFICIAL SHALL INCLUDE WITH THE STATEMENT THE NAME
4 OF THE PERSON WHO MISUSED THE LICENSE PLATE OR PLACARD AND
5 EITHER THE LICENSE PLATE OR PLACARD NUMBER, THE LAST FOUR DIGITS
6 OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER PRINTED ON
7 THE PLACARD, OR THE TRUE NAME OF THE OWNER PRINTED ON THE
8 PLACARD. Upon a first violation of section 42-4-1208, the department
9 shall deny reissuance of such license plate or placard for a period of one
10 year following the date of revocation. Upon a second or subsequent
11 violation of section 42-4-1208, the department shall deny reissuance of
12 such license plate or placard for a period of at least five years after the
13 date of the second or each subsequent revocation. The department shall
14 provide written notification to the person with a disability of such
15 revocation, which notification shall contain a demand for the return of the
16 license plate or placard to the department and a warning that continued
17 use by any person shall be subject to the penalty set forth in section
18 42-4-1208 (11).

19 (II) THE DEPARTMENT MAY HOLD HEARINGS TO REVOKE AN
20 IDENTIFYING LICENSE PLATE OR PLACARD.

21 (III) A PERSON WHO FAILS TO RETURN A REVOKED IDENTIFYING
22 PLACARD OR LICENSE PLATE OR WHO ATTEMPTS TO OBTAIN AN
23 IDENTIFYING LICENSE PLATE OR PLACARD WHEN UNDER REVOCATION
24 PURSUANT TO THIS PARAGRAPH (d) COMMITS A CLASS B TRAFFIC
25 INFRACTION.

26 (e) Repealed.

27 (3) (a) The department shall issue ~~temporary distinguishing~~

1 ~~license permits and a temporary identifying placard to a person who is~~
2 ~~temporarily disabled upon presentation of a written statement, verified by~~
3 ~~a physician licensed to practice medicine or practicing medicine pursuant~~
4 ~~to section 12-36-106 (3) (i), C.R.S., a podiatric physician licensed under~~
5 ~~article 32 of title 12, C.R.S., or an advanced practice nurse registered~~
6 ~~pursuant to section 12-38-111.5, C.R.S. PROFESSIONAL, that such person~~
7 temporarily meets the definition of a person with a disability.

8 (b) The department shall issue ~~such permits and placards~~ A
9 TEMPORARY IDENTIFYING PLACARD to a qualifying person who is a
10 resident of another state and who becomes disabled while in this state.
11 THE DEPARTMENT SHALL NOT ISSUE THE PLACARD UNLESS THE APPLICANT
12 PROVIDES A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT
13 TO ARTICLE 2 OF THIS TITLE OR ISSUED BY ANOTHER STATE OR A
14 FEDERALLY ISSUED IDENTIFICATION CARD. THE DEPARTMENT SHALL PRINT
15 THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE NUMBER OR
16 IDENTIFICATION CARD NUMBER ON THE FACE OF THE PLACARD.

17 (c) ~~Such permits and~~ A TEMPORARY IDENTIFYING placard shall be
18 ~~IS valid for a period of~~ UNTIL THE LAST DAY OF THE MONTH FALLING
19 ninety days after the date of issuance and may continually be renewed for
20 additional ninety-day periods during the term of such disability upon
21 resubmission of such written and verified statements.

22 (d) The ~~provisions of this section concerning the privileges~~
23 ~~granted to persons with disabilities shall apply to temporary license~~
24 ~~permits and temporary~~ IDENTIFYING placards issued under this subsection
25 (3). Further, the requirement that the placard include a printed
26 identification number as set forth in subparagraph (H) of paragraph (a) of
27 subsection (2) of this section shall apply to both temporary license

1 ~~permits and temporary placards issued under this subsection (3).~~

2 (e) ~~The verification by a physician licensed to practice medicine~~
3 ~~or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a~~
4 ~~podiatrist licensed under article 32 of title 12, C.R.S., or an advanced~~
5 ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S., shall be~~
6 ~~carried in the vehicle transporting the person or persons with a disability~~
7 ~~to whom the temporary license permit or placard has been issued and~~
8 ~~shall be presented to any law enforcement officer upon request.~~

9 ~~Temporary license permits and temporary placards issued by states other~~
10 ~~than Colorado shall be~~ ARE valid so long as they are currently valid in the
11 state of issuance and valid pursuant to 23 CFR 1235.

12 (f) (I) A TEMPORARY IDENTIFYING PLACARD SHALL HAVE THE LAST
13 FOUR DIGITS OF THE PERSON'S IDENTIFICATION NUMBER PRINTED ON THE
14 PLACARD'S FACE. THE DEPARTMENT SHALL PLACE AN EXPIRATION DATE
15 ON AN IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A
16 PORTION OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE
17 DEPARTMENT SHALL AFFIX A VALIDATING STICKER INDICATING THE
18 EXPIRATION DATE TO THE PLACARD.

19 (II) THIS PARAGRAPH (f) DOES NOT REQUIRE THE DEPARTMENT TO
20 ISSUE IDENTIFYING PLACARDS IN COMPLIANCE WITH THIS SECTION WHILE
21 IT CONTINUES TO HAVE THE TEMPORARY PLACARDS PURCHASED BEFORE
22 JANUARY 1, 2011, IN STOCK. THIS SUBPARAGRAPH (II) IS REPEALED
23 EFFECTIVE JULY 1, 2011.

24 (4) Upon the filing of an application for issuance or renewal of a
25 AN IDENTIFYING license plate or placard under this section, the department
26 shall make available to the applicant an informational pamphlet or other
27 informational source developed by the department IN CONSULTATION

1 WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH
2 DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S., THAT DESCRIBES THE
3 RIGHTS AND RESPONSIBILITIES OF THE HOLDERS OF SUCH LICENSE PLATES OR PLACARDS
4 AND THE PARKING PRIVILEGES SET FORTH IN SECTION 42-4-1208.

5 (5) (a) AN APPLICATION FOR AN IDENTIFYING LICENSE PLATE OR
6 PLACARD SHALL CONTAIN A NOTICE OF ELIGIBILITY REQUIREMENTS AND
7 PENALTIES FOR OBTAINING SUCH LICENSE PLATE OR PLACARD WHEN NOT
8 ELIGIBLE. THE APPLICANT SHALL SIGN THE NOTICE AFFIRMING
9 KNOWLEDGE OF THE INFORMATION CONTAINED THEREIN.

10 (b) THE DEPARTMENT, IN CONSULTATION WITH THE COLORADO
11 ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED IN SECTION
12 24-45.5-103, C.R.S., SHALL PROMULGATE A RULE CREATING A FORM THAT
13 IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, AFFIRMING
14 KNOWLEDGE OF THE CONTENTS OF THE NOTICE CREATED IN PARAGRAPH
15 (a) OF THIS SUBSECTION (5) BEFORE VERIFYING THAT A PERSON HAS A
16 DISABILITY. THE FORM SHALL CONTAIN A NOTICE OF THE ELIGIBILITY
17 REQUIREMENT TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

18 (6) ANY PERSON RENEWING AN IDENTIFYING LICENSE PLATE OR
19 PLACARD SHALL AFFIRM UNDER PENALTY OF PERJURY THAT THE PERSON
20 TO WHOM THE LICENSE PLATE OR PLACARD IS ISSUED REMAINS ELIGIBLE TO
21 USE THE LICENSE PLATE OR PLACARD. THE DEPARTMENT SHALL REQUIRE
22 THE PERSON RENEWING THE PLATE OR PLACARD TO SUBMIT THE PERSON'S
23 DATE OF BIRTH AND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER.

24 (7) (a) THE DEPARTMENT SHALL MAINTAIN IN ITS RECORDS FOR
25 THREE YEARS THE REGISTRATION INFORMATION USED TO ISSUE AN
26 IDENTIFYING LICENSE PLATE OR PLACARD, ANY VIOLATIONS OF SECTION
27 42-4-1208 BY THE HOLDER, AND THE APPLICATION OR AN ELECTRONIC OR

1 DIGITAL REPRODUCTION OF THE APPLICATION.

2 (b) UPON THE FUNDS BEING AVAILABLE AND APPROPRIATED FROM
3 THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED
4 IN SECTION 42-1-224, THE DEPARTMENT SHALL PROVIDE IMMEDIATE
5 ELECTRONIC ACCESS TO THE RECORDS MAINTAINED PURSUANT TO
6 PARAGRAPH (a) OF THIS SUBSECTION (8) TO A PEACE OFFICER WORKING
7 WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

8 (8) AN IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR
9 COUNTRY IS NOT VALID FOR MORE THAN NINETY DAYS AFTER THE HOLDER
10 BECOMES A RESIDENT OF COLORADO. A PERSON WHO APPLIES FOR AN
11 IDENTIFYING PLACARD IN COLORADO SHALL SURRENDER ANY CURRENTLY
12 HELD IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY.

13 **SECTION 3.** 42-4-1208, Colorado Revised Statutes, is amended
14 to read:

15 **42-4-1208. Parking privileges for persons with disabilities -**
16 **applicability -rules.** (1) As used in this section:

17 (a) ~~"License plate or placard" means a license plate or placard~~
18 ~~issued pursuant to section 42-3-204~~ (2) "DISABILITY" OR "DISABLED"
19 MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS OF 23 CFR
20 1235, WHICH IMPAIRMENT IS VERIFIED, IN WRITING, BY A PROFESSIONAL.
21 TO BE VALID, THE VERIFYING PROFESSIONAL SHALL CERTIFY TO THE
22 DEPARTMENT THAT THE PERSON MEETS THE STANDARDS ESTABLISHED BY
23 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

24 (b) ~~"Person with a disability" has the meaning provided for such~~
25 ~~term in section 42-3-204~~ (1) "IDENTIFYING FIGURE" MEANS A FIGURE THAT
26 PROVIDES NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED
27 PARKING SPACE.

1 (c) "IDENTIFYING LICENSE PLATE" MEANS A LICENSE PLATE
2 BEARING AN IDENTIFYING FIGURE.

3 (d) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN
4 IDENTIFYING FIGURE.

5 (e) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE
6 MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3)
7 (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12,
8 C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO
9 SECTION 12-38-111.5, C.R.S.

10 (f) "RESERVED PARKING SPACE" MEANS A PARKING SPACE
11 RESERVED FOR A PERSON WITH A DISABILITY.

12 (2) In a jurisdiction recognizing the privilege defined by this
13 subsection (2), a vehicle with a AN IDENTIFYING license plate or a placard
14 obtained pursuant to section 42-3-204 or as otherwise authorized by
15 subsection (4) of this section may be parked in public parking areas along
16 public streets regardless of any time limitation imposed upon parking in
17 such area; except that a jurisdiction shall not limit such a privilege to park
18 on any public street to less than four hours. The respective jurisdiction
19 shall clearly post the appropriate time limits in such area. Such privilege
20 need not apply to zones in which:

21 (a) Stopping, standing, or parking of all vehicles is prohibited;

22 (b) Only special vehicles may be parked;

23 (c) Parking is not allowed during specific periods of the day in
24 order to accommodate heavy traffic.

25 (3) (a) A person with a disability may park in a parking space
26 identified as being reserved for use by persons with disabilities whether
27 on public property or private property available for public use. A AN

1 IDENTIFYING license plate or placard obtained pursuant to section
2 42-3-204 or as otherwise authorized by subsection (4) of this section shall
3 be displayed IN ACCORDANCE WITH 23 CFR 1235 at all times on the
4 vehicle while parked in such space.

5 (b) The owner of private property available for public use may
6 request the installation of official signs identifying RESERVED parking
7 spaces. ~~reserved for use by persons with disabilities.~~ Such a request shall
8 be a waiver of any objection the owner may assert concerning
9 enforcement of this section by peace officers of any political subdivision
10 of this state, and ~~such~~ THE officers are hereby authorized and empowered
11 to ~~so~~ enforce this section, provisions of law to the contrary
12 notwithstanding. NO PERSON SHALL IMPOSE RESTRICTIONS ON THE USE OF
13 DISABLED PARKING UNLESS SPECIFICALLY AUTHORIZED BY A STATUTE,
14 RESOLUTION, OR ORDINANCE OF THE STATE OF COLORADO OR A POLITICAL
15 SUBDIVISION THEREOF AND NOTICE OF THE RESTRICTION IS PROMINENTLY
16 POSTED BY A SIGN CLEARLY VISIBLE AT THE PARKING SPACE.

17 (c) Each parking space reserved for use by persons with
18 disabilities whether on public property or private property shall be marked
19 with an official upright sign, which sign may be stationary or portable,
20 identifying such parking space as reserved for use by persons with
21 disabilities.

22 (4) Persons with disabilities from states other than Colorado shall
23 be allowed to use parking spaces for persons with disabilities in Colorado
24 so long as such persons have valid license plates or placards from their
25 home state that are also valid pursuant to 23 CFR part 1235.

26 (5) It is unlawful for any person other than a person with a
27 disability to park in a parking space on public or private property that is

1 clearly identified by an official sign as being reserved for use by persons
2 with disabilities unless:

3 (a) Such person is parking the vehicle for the direct benefit of a
4 person with a disability to enter or exit the vehicle while it is parked in the
5 RESERVED PARKING space; reserved for use by persons with disabilities;
6 and

7 (b) A AN IDENTIFYING license plate or placard obtained pursuant
8 to section 42-3-204 or as otherwise authorized by subsection (4) of this
9 section is displayed in such vehicle.

10 (6) (a) Any A person who is not a person with DOES NOT HAVE a
11 disability and who exercises the privilege defined in subsection (2) of this
12 section or who violates the provisions of subsection (5) or subsection (10)
13 of this section commits a class B traffic infraction and shall receive the
14 maximum fine thereunder PUNISHABLE BY A SURCHARGE OF THIRTY-TWO
15 DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1)
16 (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED FIFTY DOLLARS,
17 NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST OFFENSE AND A
18 MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED ONE THOUSAND
19 DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO VIOLATES THIS
20 SUBSECTION (6) THREE OR MORE TIMES COMMITS A MISDEMEANOR
21 PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND DOLLARS, NOT TO
22 EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN TEN HOURS OF
23 COMMUNITY SERVICE. THE STATE OR LOCAL AUTHORITY ISSUING A
24 CITATION UNDER THIS SUBSECTION (a) OR ANY LOCAL ORDINANCE OF A
25 SUBSTANTIALLY EQUIVALENT OFFENSE SHALL TRANSFER ONE-HALF OF THE
26 FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO THE
27 DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN

1 SECTION 42-1-224.

2 (b) ~~Any~~ A person who violates this subsection (6) by parking a
3 vehicle owned by a commercial carrier, as defined in section 42-1-102
4 (17), shall be subject to a fine of up to twice the ~~maximum penalty~~
5 ~~identified for a class B traffic infraction in section 42-4-1701 (3) (a) (I)~~
6 PENALTY IMPOSED IN PARAGRAPH (a) OF THIS SUBSECTION (6).

7 (7) ~~Any~~ A person who ~~is not a person with~~ DOES NOT HAVE a
8 disability and who uses a AN IDENTIFYING license plate or placard issued
9 ~~pursuant to section 42-3-204~~ in order to receive the benefits or privileges
10 available to a person with a disability under this section commits a class
11 ~~B traffic infraction and shall be subject to a fine of up to twice the~~
12 ~~maximum penalty identified for a class B traffic infraction in section~~
13 ~~42-4-1701 (3) (a) (I)~~ MISDEMEANOR PUNISHABLE BY A SURCHARGE OF
14 THIRTY-TWO DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND
15 24-4.2-104 (1) (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED
16 FIFTY DOLLARS, NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST
17 OFFENSE AND A MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED
18 ONE THOUSAND DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO
19 VIOLATES THIS SUBSECTION (7) THREE OR MORE TIMES COMMITS A
20 MISDEMEANOR PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND
21 DOLLARS, NOT TO EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN
22 TEN HOURS OF COMMUNITY SERVICE. THE STATE OR LOCAL AUTHORITY
23 ISSUING A CITATION UNDER THIS SECTION (7) OR ANY LOCAL ORDINANCE
24 OF A SUBSTANTIALLY EQUIVALENT OFFENSE SHALL TRANSFER ONE-HALF
25 OF THE FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO
26 THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED
27 IN SECTION 42-1-224.

1 (8) (a) ~~Any law enforcement~~ A PEACE officer or authorized and
2 uniformed parking enforcement official may check the identification of
3 any person using a AN IDENTIFYING license plate or placard for persons
4 with disabilities in order to determine whether such use is authorized.

5 (b) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING
6 ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING PLACARD THAT
7 IS BEING USED IN VIOLATION OF THIS SECTION. THE PEACE OFFICER SHALL
8 TRANSMIT THE PLACARD TO THE DEPARTMENT UNLESS IT IS BEING HELD
9 FOR PROSECUTION OF A VIOLATION OF THIS SECTION. THE DEPARTMENT
10 SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND MAY
11 DISPOSE OF THE PLACARD AFTER THIRTY DAYS. UPON THE PERSON WITH
12 A DISABILITY SIGNING A STATEMENT UNDER PENALTY OF PERJURY THAT HE
13 OR SHE WAS UNAWARE THAT THE VIOLATOR USED, OR INTENDED TO USE,
14 THE PLACARD IN VIOLATION OF THIS SECTION, THE DEPARTMENT SHALL
15 RELEASE THE PLACARD TO THE PERSON WITH A DISABILITY TO WHOM IT
16 WAS ISSUED.

17 (c) A PEACE OFFICER MAY INVESTIGATE AN ALLEGATION THAT A
18 PERSON IS VIOLATING THIS SECTION.

19 (9) Any state agency or division thereof that transports persons
20 with disabilities may obtain a AN IDENTIFYING placard for persons with
21 disabilities in the same manner provided in this section for any other
22 person. ~~In the event that such a~~ IF AN IDENTIFYING placard is used by any
23 employee of such state agency or division when not transporting persons
24 with disabilities, the executive director of such agency and the offending
25 employee shall be subject to a fine of one hundred FIFTY dollars. ~~The~~
26 ~~provisions of~~ This subsection (9) shall apply APPLIES to any corporation
27 or independent contractor as determined by rule of the department to be

1 eligible to transport persons with disabilities; except that the chief
2 executive officer or an equivalent of the corporation or independent
3 contractor and the offending employee ~~shall be~~ ARE subject to the fine.

4 (10) REGARDLESS OF WHETHER THE PERSON DISPLAYS AN
5 IDENTIFYING LICENSE PLATE OR PLACARD, it is unlawful for any person to
6 park a vehicle so as to block reasonable access to curb ramps, ~~or~~
7 passenger loading zones, OR ACCESSIBLE ROUTES, as identified in 28 CFR
8 part 36 (appendix A), that are clearly identified ~~and are adjacent to a~~
9 ~~parking space reserved for use by persons with disabilities~~ unless such
10 person is loading or unloading a person with a disability.

11 (11) (a) ~~Any~~ A person who knowingly and fraudulently obtains,
12 possesses, uses, or transfers ~~a~~ AN IDENTIFYING placard issued to a person
13 with a disability; ~~pursuant to section 42-3-204 or~~ WHO knowingly makes,
14 possesses, uses, or transfers what purports to be, but is not, ~~a~~ AN
15 IDENTIFYING placard; ~~issued to a person with a disability pursuant to~~
16 ~~section 42-3-204~~ OR WHO KNOWINGLY CREATES OR USES A DEVICE
17 INTENDED TO GIVE THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD
18 WHEN VIEWED FROM OUTSIDE THE VEHICLE is guilty of a misdemeanor and
19 is subject to the criminal and civil penalties provided under section
20 42-6-139 (3) and (4).

21 (b) ~~Any~~ A person who knowingly and willfully receives
22 remuneration for committing a misdemeanor pursuant to this subsection
23 (11) ~~shall be~~ IS subject to twice the civil and criminal ~~fine~~ PENALTIES that
24 would otherwise be imposed.

25 (12) (a) Certification of the entry of judgment for each violation
26 of subsection (6), (7), or (11) of this section shall be sent by the entering
27 court to the department.

1 (b) ~~Upon receipt of certification of a first or second entry of~~
2 ~~judgment for a violation of subsection (6), (7), or (11) of this section or~~
3 ~~upon independent verification of such a violation by the department, the~~
4 ~~department shall notify the person with a disability to whom the license~~
5 ~~plate or placard was issued that such license plate or placard will be~~
6 ~~revoked as provided in section 42-3-204 (2) (d) upon certification or~~
7 ~~independent verification of the third such entry of judgment.~~

8 (c) Upon receipt of certification of a ~~third~~ AN entry of judgment
9 for a violation of subsection (6), (7), or (11) of this section by any person,
10 the department shall withhold that person's vehicle registration until such
11 time as any fines imposed for the violations have been paid.

12 (d) Upon receipt of certification or independent verification of
13 ~~such third~~ AN entry of judgment, the department shall revoke ~~said~~ AN
14 IDENTIFYING license plate or placard as provided in section 42-3-204 (2)
15 (d).

16 (e) ~~This subsection (12) shall take effect July 1, 2000, and shall~~
17 ~~apply to any violations occurring on or after July 1, 2000.~~

18 (13) (a) For purposes of this subsection (13), "holder" means a
19 person with a disability as defined in section 42-3-204 ~~(1) (b)~~ who has
20 lawfully obtained a AN IDENTIFYING license plate or placard issued
21 pursuant to section 42-3-204 (2) or as otherwise authorized by subsection
22 (4) of this section.

23 (b) Notwithstanding any other provision of this section to the
24 contrary, a holder is liable for any penalty or fine as set forth in this
25 section or section 42-3-204 or for any misuse of a ~~disabled~~ AN
26 IDENTIFYING license plate or placard, including the use of such plate or
27 placard by any person other than a holder, unless the holder can furnish

1 sufficient evidence that the license plate or placard was, at the time of the
2 violation, in the care, custody, or control of another person without the
3 holder's knowledge or consent.

4 (c) A holder may avoid the liability described in paragraph (b) of
5 this subsection (13) if, within a reasonable time after notification of the
6 violation, the holder furnishes to the prosecutorial division of the
7 appropriate jurisdiction the name and address of the person who had the
8 care, custody, or control of such THE IDENTIFYING license plate or placard
9 at the time of the violation or the holder reports said license plate or
10 placard lost or stolen to both the appropriate local law enforcement
11 agency and the department.

12 (14) (a) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION
13 MAY SUBMIT EVIDENCE, ALONG WITH A SWORN STATEMENT OF A
14 VIOLATION OF THIS SECTION, TO ANY LAW ENFORCEMENT AGENCY.

15 (b) NO EMPLOYER SHALL FORBID AN EMPLOYEE FROM REPORTING
16 VIOLATIONS OF THIS SECTION. NO PERSON SHALL INITIATE OR ADMINISTER
17 ANY DISCIPLINARY ACTION AGAINST AN EMPLOYEE ON ACCOUNT OF THE
18 EMPLOYEE NOTIFYING THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS
19 SECTION IF THE EMPLOYEE HAS A GOOD FAITH BELIEF THAT A VIOLATION
20 HAS OCCURRED.

21 (c) NO LANDLORD SHALL RETALIATE AGAINST A TENANT ON
22 ACCOUNT OF THE TENANT NOTIFYING THE AUTHORITIES OF A POSSIBLE
23 VIOLATION OF THIS SECTION IF THE TENANT HAS A GOOD FAITH BELIEF
24 THAT A VIOLATION HAS OCCURRED.

25 (15) (a) NO PERSON, AFTER USING A RESERVED PARKING SPACE
26 THAT HAS A TIME LIMIT, SHALL SWITCH MOTOR VEHICLES OR MOVE THE
27 MOTOR VEHICLE TO ANOTHER RESERVED PARKING SPACE WITHIN ONE

1 HUNDRED YARDS OF THE ORIGINAL PARKING SPACE WITHIN THE SAME
2 EIGHT HOURS IN ORDER TO EXCEED THE TIME LIMIT.

3 (b) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE FOR
4 MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT
5 LEAST TWO WEEKS SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE
6 PERSON IS VIOLATING THIS SUBSECTION (15).

7 (c) THIS SUBSECTION (15) DOES NOT APPLY TO PRIVATELY OWNED
8 PARKING LOTS.

9 (d) A PERSON WHO VIOLATES THIS SUBSECTION (15) COMMITS A
10 CLASS B TRAFFIC INFRACTION. UPON CONVICTION OR THE PLEA OF GUILTY
11 OR NOLO CONTENDERE FOR A VIOLATION OF THIS SUBSECTION (16), THE
12 COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF JUDGMENT TO THE
13 DEPARTMENT. UPON RECEIVING A CERTIFICATION OF ENTRY OF
14 JUDGEMENT OR INDEPENDENT VERIFICATION, THE DEPARTMENT SHALL
15 REVOKE THE IDENTIFYING LICENSE PLATE OR PLACARD OF A PERSON WHO
16 VIOLATES THIS SUBSECTION (15) A SECOND OR SUBSEQUENT TIME
17 PURSUANT TO SECTION 42-3-204 (2).

18 (16) (a) NO PERSON SHALL USE PARKING PRIVILEGES OBTAINED BY
19 AN IDENTIFYING LICENSE PLATE OR PLACARD FOR A COMMERCIAL PURPOSE
20 UNLESS THE PURPOSE RELATES TO TRANSACTING BUSINESS WITH A
21 BUSINESS THE RESERVED PARKING SPACE IS INTENDED TO SERVE.

22 (b) A PERSON WHO VIOLATES THIS SUBSECTION (16) COMMITS A
23 CLASS B TRAFFIC INFRACTION. UPON CONVICTION OR THE PLEA OF GUILTY
24 OR NOLO CONTENDERE FOR A VIOLATION OF THIS SUBSECTION (16), THE
25 COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF JUDGMENT TO THE
26 DEPARTMENT. UPON RECEIVING A CERTIFICATION OF ENTRY OF JUDGMENT
27 OR INDEPENDENT VERIFICATION, THE DEPARTMENT SHALL REVOKE THE

1 IDENTIFYING LICENSE PLATE OR PLACARD OF A PERSON WHO VIOLATES
2 THIS SUBSECTION (16) A SECOND OR SUBSEQUENT TIME PURSUANT TO
3 SECTION 42-3-204 (2).

4 (17) (a) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT
5 NOTICE FOR A VIOLATION OF SUBSECTION (9), (15), OR (16) OF THIS
6 SECTION BY SENDING IT BY CERTIFIED MAIL TO THE REGISTERED OWNER OF
7 THE MOTOR VEHICLE. THE PEACE OFFICER SHALL INCLUDE IN THE
8 PENALTY ASSESSMENT NOTICE THE OFFENSE OR INFRACTION, THE TIME
9 AND PLACE WHERE IT OCCURRED, AND A STATEMENT THAT THE PAYMENT
10 OF THE PENALTY ASSESSMENT AND SURCHARGE IS DUE WITHIN TWENTY
11 DAYS FROM THE ISSUANCE OF THE NOTICE. RECEIPT OF THE PAYMENT OF
12 THE PENALTY ASSESSMENT POSTMARKED BY THE TWENTIETH DAY AFTER
13 THE RECEIPT OF THE PENALTY ASSESSMENT NOTICE BY THE DEFENDANT IS
14 RECEIPT ON OR BEFORE THE DATE THE PAYMENT WAS DUE.

15 (b) IF THE PENALTY ASSESSMENT AND SURCHARGE ARE NOT PAID
16 WITHIN THE TWENTY DAYS FROM THE DATE OF MAILING OF THE NOTICE,
17 THE PEACE OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT
18 NOTICE SHALL FILE A COMPLAINT WITH A COURT HAVING JURISDICTION
19 AND ISSUE AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A
20 SUMMONS TO APPEAR IN COURT AT THE TIME AND PLACE SPECIFIED
21 THEREIN.

22 **SECTION 4.** Part 12 of article 4 of title 42, Colorado Revised
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
24 read:

25 **42-4-1212. Pay parking access for disabled.** (1) UNLESS THE
26 METHOD OF REMUNERATION IS REASONABLY ACCESSIBLE TO A PERSON
27 WITH A DISABILITY AS DEFINED IN SECTION 42-3-204, NO PERSON WHO

1 OWNS, OPERATES, OR MANAGES A PARKING SPACE THAT REQUIRES
2 REMUNERATION SHALL TOW, BOOT, OR OTHERWISE TAKE ADVERSE ACTION
3 AGAINST A PERSON OR MOTOR VEHICLE PARKING IN SUCH SPACE FOR
4 FAILURE TO PAY THE REMUNERATION IF THE MOTOR VEHICLE BEARS A
5 PLACARD OR LICENSE PLATE BEARING AN IDENTIFYING FIGURE ISSUED
6 PURSUANT TO SECTION 42-3-204 OR A SIMILAR LAW IN ANOTHER STATE
7 THAT IS VALID UNDER 23 CFR 1235.

8 (2) NOTWITHSTANDING ANY STATUTE, RESOLUTION, OR
9 ORDINANCE OF THE STATE OF COLORADO OR A POLITICAL SUBDIVISION
10 THEREOF, PARKING IN A SPACE WITHOUT PAYING THE REQUIRED
11 REMUNERATION SHALL NOT BE DEEMED A VIOLATION OF SUCH STATUTE,
12 RESOLUTION, OR ORDINANCE IF:

13 (a) THE MOTOR VEHICLE BEARS A PLACARD OR LICENSE PLATE
14 BEARING THE IDENTIFYING FIGURE ISSUED PURSUANT TO SECTION 42-3-204
15 OR A SIMILAR LAW IN ANOTHER STATE THAT IS VALID UNDER 23 CFR 1235;
16 AND

17 (b) THE METHOD OF REMUNERATION IS NOT REASONABLY
18 ACCESSIBLE TO A PERSON WITH A DISABILITY AS DEFINED IN SECTION
19 42-3-204.

20 (3) A LAW ENFORCEMENT AGENCY SHALL WITHDRAW ANY
21 PENALTY ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT THAT IS
22 DEEMED NOT TO BE A VIOLATION UNDER SUBSECTION (2) OF THIS SECTION.

23 (4) FOR THE PURPOSES OF THIS SECTION, "REASONABLY
24 ACCESSIBLE" MEANS MEETING THE STANDARDS OF 28 CFR 36 (APPENDIX
25 A) OR SUBSTANTIALLY SIMILAR STANDARDS.

26 **SECTION 5.** The introductory portion to 42-4-1701 (4) (a) (I)
27 and 42-4-1701 (4) (a) (I) (M), Colorado Revised Statutes, are amended

1 to read:

2 **42-4-1701. Traffic offenses and infractions classified -**
3 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
4 as provided in paragraph (c) of subsection (5) of this section, every
5 person who is convicted of, who admits liability for, or against whom a
6 judgment is entered for a violation of any provision of this title to which
7 ~~the provisions of~~ paragraph (a) or (b) of subsection (5) of this section
8 apply shall be fined or penalized, and have a surcharge levied thereon
9 pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S.,
10 in accordance with the penalty and surcharge schedule set forth in
11 sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or
12 surcharge is specified in the schedule, the penalty for class A and class B
13 traffic infractions shall be fifteen dollars, and the surcharge shall be four
14 dollars. These penalties and surcharges shall apply whether the defendant
15 acknowledges the defendant's guilt or liability in accordance with the
16 procedure set forth by paragraph (a) of subsection (5) of this section or is
17 found guilty by a court of competent jurisdiction or has judgment entered
18 against the defendant by a county court magistrate. Penalties and
19 surcharges for violating specific sections shall be as follows:

20	Section Violated	Penalty	Surcharge
21	(M) Parking violations:		
22	42-4-1201	\$ 30.00	\$ 6.00
23	42-4-1202	30.00	6.00
24	42-4-1204	15.00	6.00
25	42-4-1205	15.00	6.00
26	42-4-1206	15.00	6.00
27	42-4-1207	15.00	6.00

1 42-4-1208 ~~(6) or (9), (15), OR (16)~~ 100.00 150.00 32.00

2 **SECTION 6.** 24-72-204 (3) (a) (XII), Colorado Revised Statutes,
3 is amended to read:

4 **24-72-204. Allowance or denial of inspection - grounds -**
5 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the
6 right of inspection of the following records, unless otherwise provided by
7 law; except that any of the following records, other than letters of
8 reference concerning employment, licensing, or issuance of permits, shall
9 be available to the person in interest under this subsection (3):

10 (XII) Any record indicating that a person has obtained
11 ~~distinguishing~~ AN IDENTIFYING license ~~plates~~ PLATE or ~~an identifying~~
12 placard for persons with disabilities under section 42-3-204, C.R.S., or
13 any other motor vehicle record that would reveal the presence of a
14 disability;

15 **SECTION 7.** 42-3-213 (5) (a) (II), Colorado Revised Statutes, is
16 amended to read:

17 **42-3-213. Special plates - military veterans - rules - retirement.**
18 (5) **Disabled veterans.** (a) (II) In addition to THE requirements of
19 subparagraph (I) of this paragraph (a), if the applicant demonstrates that
20 he or she has a physical impairment affecting mobility under the
21 standards provided in section 42-3-204 (1), then such special license plate
22 shall have an additional identifying ~~feature~~ FIGURE, as determined by the
23 department, to indicate that the owner of the vehicle is authorized to make
24 use of parking privileges for persons with disabilities.

25 **SECTION 8.** 42-4-1701 (3) (a) (I) and (3) (a) (II) (A), Colorado
26 Revised Statutes, are amended to read:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 penalties - penalty and surcharge schedule - repeal. (3) (a) (I) Except
 2 as provided in subsections (4) and (5) of this section OR THE SECTION
 3 CREATING THE INFRACTION, traffic infractions are divided into two classes
 4 which shall be subject to the following penalties which are authorized
 5 upon entry of judgment against the defendant:

<u>Class</u>	<u>Minimum</u>	<u>Maximum</u>
	<u>Penalty</u>	<u>Penalty</u>
<u>A</u>	<u>\$15 penalty</u>	<u>\$100 penalty</u>
<u>B</u>	<u>\$15 penalty</u>	<u>\$100 penalty</u>

10 (II) (A) Except as otherwise provided in sub-subparagraph (B) of
 11 this subparagraph (II), subsections (4) and (5) of this section, and sections
 12 42-4-1301 (7), 42-4-1301.3, and 42-4-1301.4, OR THE SECTION CREATING
 13 THE OFFENSE, misdemeanor traffic offenses are divided into two classes
 14 that are distinguished from one another by the following penalties that are
 15 authorized upon conviction:

<u>Class</u>	<u>Minimum</u>	<u>Maximum</u>
	<u>Sentence</u>	<u>Sentence</u>
<u>1</u>	<u>Ten days imprisonment,</u> <u>or \$300 fine, or both</u>	<u>One year imprisonment,</u> <u>or \$1,000 fine, or both</u>
<u>2</u>	<u>Ten days imprisonment,</u> <u>or \$150 fine, or both</u>	<u>Ninety days imprisonment,</u> <u>or \$300 fine, or both</u>

22 **SECTION 9. Appropriation.** (1) In addition to any other
 23 appropriation, there is hereby appropriated, out of any moneys in the
 24 disabled parking education and enforcement fund created in section
 25 42-1-224, Colorado Revised Statutes, not otherwise appropriated, to the
 26 governor - lieutenant governor - state planning and budgeting, for
 27 allocation to the office of the governor, other programs and grants, for the

1 Colorado advisory council for persons with disabilities, for the fiscal year
2 beginning July 1, 2010, the sum of seventeen thousand nine hundred
3 eighteen dollars (\$17,918) and 0.3 FTE, or so much thereof as may be
4 necessary, for the implementation of this act.

5 (2) In addition to any other appropriation, there is hereby
6 appropriated, out of any moneys in the disabled parking education and
7 enforcement fund created in section 42-1-224, Colorado Revised Statutes,
8 not otherwise appropriated, to the department of revenue, for the fiscal
9 year beginning July 1, 2010, the sum of thirty thousand three hundred
10 forty-one dollars (\$30,341) cash funds and 0.2 FTE, or so much thereof
11 as may be necessary, for the implementation of this act.

12 **SECTION 10. Act subject to petition - specified effective date**
13 **- applicability.** (1) This act shall take effect January 1, 2011; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within the ninety-day period after final adjournment of the general
17 assembly, then the act, item, section, or part shall not take effect unless
18 approved by the people at the general election to be held in November
19 2010 and shall take effect on January 1, 2011, or on the date of the
20 official declaration of the vote thereon by the governor, whichever is
21 later.

22 (2) The provisions of this act shall apply to offenses committed
23 and applications submitted on or after the applicable effective date of this
24 act.